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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 18-0463-CRB
)	
Plaintiff,)	PROPOSED ORDER DETAINING
v.)	DEFENDANT VICTOR TURK PRIOR
)	TO TRIAL
VICTOR TURK,)	
)	
Defendant.)	
)	

On September 27, 2018, the Grand Jury voted to approve an Indictment charging the defendant with Possession with Intent to Distribute 50 Grams or More of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and Carrying or Possessing a Firearm During and in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A). The defendant made his initial appearance on October 17, 2018, and on November 21, 2018, this Court held a detention hearing. The defendant was present and represented by Assistant Federal Public Defender Daniel P. Blank.

Pretrial Services submitted a report that recommended detention, citing both the defendant's risk of non-appearance and danger to the community. A Pretrial Services Officer was present at the hearing.

1 The Government moved for detention, and the defendant opposed. The parties submitted proffers and
2 arguments. Upon consideration of the Pretrial Services report and the parties' proffers at the detention
3 hearing, the Court finds by a preponderance of the evidence that the defendant poses a risk of flight and
4 by clear and convincing evidence that no condition or combination of conditions will reasonably assure
5 the safety of the community. Accordingly, the Court orders the defendant, Victor Turk, detained
6 pending trial.

7 The Court bases this Order on the defendant's prior felony convictions for assault, burglary,
8 robbery, and other crimes, and the defendant's history of non-compliance with the requirements of prior
9 periods of community supervision. The Court further bases its Order on the significant penalties
10 associated with the crimes alleged in the Indictment, including a ten-year mandatory minimum sentence
11 of incarceration, and a potential maximum sentence of life in prison. The Court carefully considered the
12 defendant's proposal of in-patient drug treatment as an alternative to detention. Given the factors set
13 forth above, however, the Court orders the defendant detained.

14 This Order supplements the Court's findings at the detention hearing and serves as written
15 findings of fact and statement of reasons, as required by 18 U.S.C. § 3142(i).

16 The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining
17 whether pretrial detention is warranted. In coming to its decision, the Court has considered those
18 factors, paraphrased below:

- 19 (1) the nature and seriousness of the offense charged;
- 20 (2) the weight of the evidence against the person;
- 21 (3) the history and characteristics of the person including, among other considerations,
22 employment, past conduct and criminal history, and record of court appearances; and
- 23 (4) the nature and seriousness of the danger to any person or the community that would be posed
24 by the person's release.

25 18 U.S.C. § 3142(g).

26 Given the nature of the crimes as alleged, as well as the history and characteristics of the
27 defendant, the Court determines that, on the record before it, there is no condition or combination of
28 conditions of release that can reasonably assure the safety of any other person and the community and

1 the defendant's appearance as required. Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS HEREBY
2 ORDERED THAT:

- 3 (1) the defendant is committed to the custody of the United States Marshals Service for
4 confinement in a correctional facility;
- 5 (2) the defendant be afforded reasonable opportunity for private consultation with his counsel;
6 and
- 7 (3) on order of a court of the United States or on request of an attorney for the government, the
8 person in charge of the corrections facility in which the defendant is confined shall deliver
9 the defendant to an authorized Deputy United States Marshal for the purpose of any
10 appearance in connection with a court proceeding.

11 **IT IS SO ORDERED.**

12
13 November 28, 2018


HON. THOMAS S. HIXSON
United States Magistrate Judge